

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY McFERRE,	:No. 05-66ERIE
Petitioner	:
v.	:
SUPERINTENDENT TENNIS,	:
Respondents	:

MOTION FOR ENLARGEMENT OF TIME
TO FILE REPLY BRIEF

AND NOW, comes, Anthony McFerren, (Petitioner), who files this Motion for Enlargement of Time to file Reply Brief, pursuant to LR.94 I, in support thereof represents the following:

1. The Petitioner received the Commonwealth's Answer on or about July 19, 2005.
2. Petitioner accordingly has twenty one days in which to file Reply Brief pursuant to LR.9.4 (G).
3. The Petitioner asserts the recently Amended Law Library period for inmates has been reduced to one hour per day from General Population inmates.
4. S.C.I. Rockview thus has a policy that no staff, or inmate associated with or not associated with the Law Library may assist in drafting or research of legal material. In addition, no inmate is permitted to discuss their case in the Law Library. See Balsamo v. Mazurkiwicz, 611 A.2d at 1254. In light of the Balsamo ruling, the policy still remains in effect to date. Id.

5. The Petitioner is serving a life sentence and the issue's are complex under the AEDPA standards that must be applied. Id.

7. The Petitioner being a lifer must attend his work assignment each day with his only available Law Library period being two nights per week and the week end. Id.

8. The Petitioner will suffer substantial prejudice without an enlargement of time under the present state of law. Id.

WHEREFORE, the Petitioner respectfully prays that the time period to file a Reply Brief be extended until September 15, 2005.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dorothy McFar", is written over a horizontal line.

CERTIFICATE OF SERVICE

The undersigned, hereby states under the penalty of perjury that a true and correct copy of the within document was placed in the U.S. Mail Box at S.C.I. ROCKview this 10th day of August, 2005 for delivery upon the persons indicated below.

CLERK OF COURTS (Free state mail)

U.S. District Court

Erie, Pa 16501

Douglas Ferguson, Esq

District Attorney

Crawford County Courthouse

Meadville, Pa 16335

s/ 